

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**LISTING OF CLAIMS:**

1. (Previously Presented) An isolated nucleic acid comprising a promoter for the expression of recombinant proteins in filamentous fungi that comprises a nucleotide sequence or a complementary strand thereof, having nucleotides 1-740 of SEQ ID NO:1.

2. (Previously Presented) An isolated nucleic acid according to claim 1, wherein the promoter consists of nucleotides 1-740 of SEQ ID NO:1 or its complementary strand.

3. (Previously Presented) An isolated nucleic acid comprising a promoter of a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus* with the proviso that the sequence is not the promoter of the *gdh* gene from *Aspergillus nidulans*.

4. (Previously Presented) The isolated nucleic acid according to claim 3, wherein the fungus is *Aspergillus awamori* or *Aspergillus niger*.

5. (Previously Presented) The isolated nucleic acid according to claim 4, wherein the fungus is *Aspergillus awamori*.

6. (Withdrawn) A purified and isolated DNA sequence that encodes a glutamate dehydrogenase protein and that comprises a nucleotide sequence or a complementary strand

thereof selected from the group consisting of: (a) nucleotides 741-2245 of SEQ ID NO:1; and (b) a nucleotide sequence that hybridizes under stringent conditions to that defined in (a), with the proviso that the sequence is not the *gdh* gene from *Aspergillus nidulans*.

7. (Withdrawn) The DNA sequence according to claim 6, consisting of nucleotides 741-2245 of SEQ ID NO:1, or its complementary strand.

8. (Withdrawn) An isolated DNA sequence encoding a glutamate dehydrogenase from a fungus of the genus *Aspergillus*, with the proviso that the sequence is not the *gdh* gene from *Aspergillus nidulans*.

9. (Withdrawn) The isolated DNA sequence according to claim 8, wherein the fungus is *Aspergillus awamori* or *Aspergillus niger*.

10. (Withdrawn) The isolated DNA sequence according to claim 9, wherein the fungus is *Aspergillus awamori*.

11. (Withdrawn) A protein encoded by any of the DNA sequences according to claim 6.

12. (Withdrawn) A protein comprising SEQ ID NO:2.

13. (Withdrawn) An isolated glutamate dehydrogenase from a fungus of the genus *Aspergillus* with the proviso that the glutamate dehydrogenase is not the glutamate dehydrogenase from *Aspergillus nidulans*.

14. (Withdrawn) The isolated glutamate dehydrogenase according to claim 13, wherein the fungus is *Aspergillus awamori* or *Aspergillus niger*.

15. (Withdrawn) The isolated glutamate dehydrogenase according to claim 14, wherein the fungus is *Aspergillus awamori*.

16. Canceled

17. Canceled

18. (Withdrawn) A DNA construct comprising: a) a promoter from a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus*; b) a DNA sequence encoding a protein expressed from a filamentous fungus or a portion thereof; c) a DNA sequence encoding a cleavable linker peptide; and d) a DNA sequence encoding a desired protein.

19. (Previously Presented) A DNA construct that comprises: a) a promoter from a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus*; b) a DNA sequence encoding a protein expressed from a filamentous fungus or a portion thereof; c) a DNA sequence encoding a cleavable linker peptide; and d) a DNA sequence encoding a desired protein, wherein the promoter under a) is a promoter according to claim 1.

20. (Previously Presented ) The DNA construct according to claim 19, wherein the DNA sequence under b) encodes a protein or portion thereof selected from the group consisting of: i) glucoamylase from *Aspergillus awamori*, *Aspergillus niger*, *Aspergillus oryzae*, or *Aspergillus sojae*; ii) B2 from *Acremonium chrysogenum*; and iii) a glutamate dehydrogenase from a filamentous fungus.

21. (Previously Presented ) The DNA construct according to claim 20, wherein the DNA sequence of b) encodes a glucoamylase from *Aspergillus awamori*, *Aspergillus niger*, *Aspergillus oryzae* or *Aspergillus sojae*, or a portion thereof.

22. (Previously Presented ) The DNA construct according to claim 20, wherein the DNA sequence of b) encodes protein B2 from *Acremonium chrysogenum* or a portion thereof.

23. (Previously Presented ) The DNA construct according to claim 20, wherein the DNA sequence of b) encodes a glutamate dehydrogenase from a filamentous fungus or a portion thereof.

24. (Previously Presented ) The DNA construct according to claim 19, wherein the DNA sequence of c) contains a KEX2 processing sequence.

25. (Previously Presented ) The DNA construct according to claim 19, wherein the DNA sequence of d) encodes thaumatin.

26. (Previously Presented ) The DNA construct according to claim 25, wherein the DNA sequence of d) is the thaumatin II synthetic gene from plasmid pThIX.

27. (Withdrawn) A DNA construct comprising a gdh promoter from a fungus of the genus *Aspergillus* operatively linked to a DNA sequence encoding a desired protein.

28. (Previously Presented) A DNA construct comprising a gdh promoter from a fungus of the genus *Aspergillus* operatively linked to a DNA sequence encoding a desired protein, wherein the promoter is a promoter according to claim 1.

29. (Previously Presented ) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 19.

30. (Previously Presented) The culture according to claim 29, wherein the filamentous fungus is a fungus from the genus *Aspergillus*.

31. (Previously Presented ) The culture according to claim 29, wherein the filamentous fungus is selected from the group consisting of *Aspergillus awamori*, *Aspergillus niger*, *Aspergillus oryzae*, *Aspergillus nidulans* and *Aspergillus sojiae*.

32. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid, wherein the plasmid contains a DNA construct according to claim 25.

33. (Previously Presented ) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 19;
- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

34. (Previously Presented) The process according to claim 33, wherein the recombinant protein is thaumatin and the expression plasmid contains a DNA construct according to claim 25.

35. Canceled

36. (Withdrawn) A method for expressing a recombinant protein in filamentous fungi comprising:

preparing a nucleic acid comprising a promoter from a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus* operably linked to a second nucleic acid encoding a protein;

inserting said nucleic acid into a filamentous fungi; and

culturing the filamentous fungi to express the recombinant protein.

37. (Withdrawn) The method of Claim 36, wherein the promoter is selected from the group consisting of:

nucleotides 1-740 of SEQ ID NO:1;

a nucleotide sequence that hybridizes under stringent conditions to nucleotides 1-740 of SEQ ID NO:1;

a promoter of a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus* with the proviso that the sequence is not the promoter of the *gdh* gene from *Aspergillus nidulans*; and

a promoter of a glutamate dehydrogenase gene of *Aspergillus awamori* or *Aspergillus niger*.

38. Canceled

39. Canceled

40. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 20.

41. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 21.

42. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 22.

43. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 23.

44. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 24.

45. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 25.

46. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 26.



47. (Withdrawn) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 27.

48. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 28.

49. Canceled

50. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 20;
- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

51. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 21;

b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

52. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 22;

b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

53. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 23;

- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

54. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 24;
- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

55. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 25;
- b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

56. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 26;

b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

57. (Withdrawn) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 27;

b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

58. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

a) preparing an expression plasmid containing a DNA construct according to claim 28;

b) transforming a strain of filamentous fungus with said expression plasmid;

c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and

d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

59. (Previously Presented ) A DNA construct that comprises: a) a promoter from a glutamate dehydrogenase gene from a fungus of the genus *Aspergillus*; b) a DNA sequence encoding a protein expressed from a filamentous fungus or a portion thereof; c) a DNA sequence encoding a cleavable linker peptide; and d) a DNA sequence encoding a desired protein, wherein the promoter of a) is a promoter according to claim 3.

60. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 59.

61. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 59;
- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

62. (Previously Presented) A DNA construct comprising a *gdh* promoter from a fungus of the genus *Aspergillus* operatively linked to a DNA sequence encoding a desired protein, wherein the promoter is a promoter according to claim 3.

63. (Previously Presented) A filamentous fungus culture capable of producing a recombinant protein which has been transformed with a plasmid containing a DNA construct according to claim 62.

64. (Previously Presented) A process for producing a recombinant protein in a filamentous fungus comprising:

- a) preparing an expression plasmid containing a DNA construct according to claim 62;
- b) transforming a strain of filamentous fungus with said expression plasmid;
- c) culturing the transformed strain under appropriate nutrient conditions to produce the desired protein, either intracellularly, extracellularly or in both ways simultaneously; and
- d) separating and purifying the desired protein from the fermentation broth to produce the recombinant protein.

65. (Previously Presented) A filamentous fungi strain expressing the promoter of claim 1.

66. (Previously Presented) The filamentous fungi strain of claim 65, wherein the strain is TGDTh-4 with Access No. CECT20241.

67. (Currently Amended) A method for expressing a recombinant protein in filamentous fungi comprising:

preparing a nucleic acid according to claim 1 operably linked to a second nucleic acid encoding a protein;

inserting said nucleic acid into a filamentous fungi; and

culturing the filamentous fungi to express the recombinant protein.